

Filed by Merits Panel
Mail Stop Interference
P.O. Box 1450
Alexandria Va 22313-1450
Tel: 571-272-9797
Fax: 571-273-0042

Filed: 12 December 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

PASCALE CORPART,
DOMINIQUE CHARMOT, SAMIR Z. ZARD,
THIBAUD BIADATTI, and DANIEL MICHELET;

Junior Party
(Patent 6,153,705)

v.

TAM PHUONG LE,
GRAEME MOAD, EZIO RIZZARDO, and
SAN HOA THANG

Senior Party,
(Application 09/762,833).

Patent Interference No. 105,314

Before Torczon, Lane, and Moore, Administrative Patent Judges.

Lane, Administrative Patent Judge.

JUDGMENT - REQUEST FOR ADVERSE - BD.R. 127(B)

Corpart has filed a request for adverse judgment as to Counts 1 and 3 (Paper 21) and Le has filed a request for adverse judgment as to Counts 1 and 2. (Paper 21 and Paper 20, respectively).

FAXED

DEC 12 2005

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

Upon consideration of the record and for reasons given, it is

ORDERED that judgment on priority is entered against junior party Pascale Corpart, Dominique Charmot, Samir Z. Zard, Thibaud Biadatti, and Daniel Michelet as to Counts 1 and 3,

FURTHER ORDERED that junior party Pascale Corpart, Dominique Charmot, Samir Z. Zard, Thibaud Biadatti, and Daniel Michelet is not entitled to a patent containing claims 1-7, 11, 12, 18, 19, 21-23, 27, and 29 of patent 6,153,705, which claims correspond to both Counts 1 and 3 (Paper 22),

FURTHER ORDERED that judgment on priority is entered against senior party Tam Phuong Le, Graeme Moad, Ezio Rizzardo, and San Hoa Thang as to Counts 1 and 2;

FURTHER ORDERED that senior party Tam Phuong Le, Graeme Moad, Ezio Rizzardo, and San Hoa Thang is not entitled to a patent containing claims 11 -39 of application 09/762,833, which claims correspond to both Counts 1 and 2 (Paper 17),

FURTHER ORDERED that a copy of this judgment shall be entered into the administrative records of Corpart's 6,153,705 patent and Le's 09/762,833 application.

cc(facsimile):

Counsel for CORPART:

Norman H. Stepno, Esq.
BUCHANAN INGERSOLL PC
1737 King Street, Suite 500
Alexandria, VA 22314

Fax: (703) 836-2021

Counsel for LE:

John T. Gallagher, Esq.
MORGAN & FINNEGAN
3 World Financial Center
New York, N.Y. 10281-2101

Fax: (212) 415-8701